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FACSIMILE**Date:** March 2, 2009**Time Sent:**

To:	Company:	Facsimile No:	Telephone No:
Examiner Tohru SAITOH et al. Group Art Unit: 2818	U.S. Patent & Trademark Office	571 273 8300	
From:	Michael E. Fogarty	<i>Direct Phone:</i>	(202) 756-8372
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<i>Sent By:</i>	Rosanna Pase	<i>Direct Phone:</i>	(202) 756-8392
<i>Client/Matter/Tkpr:</i>	74782-022-3328	<i>Original to Follow by Mail:</i>	Yes
		<i>Number of Pages, Including Cover:</i>	3

Message:

RE: U.S. Patent Application No. 10/588,605

In response to the Office Action dated January 30, 2009, Applicants submit the enclosed Election Under 35 U.S.C. § 121.

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U.S. practice conducted through McDermott Will & Emery LLP.
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Attorney Docket No.: 74782-022
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Tohru SAITOH, et al. : Customer No. 53080
Application No.: 10/588,605 : Confirmation No.: 8353
Filed: August 7, 2006 : Group Art Unit: 2818
For: SEMICONDUCTOR NANOWIRE AND SEMICONDUCTOR : Examiner: ANDY HUYNH
DEVICE INCLUDING THE NANOWIRE :

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed January 30, 2009, having a shortened statutory period for response set to expire February 28, 2009, wherein the Examiner required restriction between the following Groups:

- Group I - Claims 1-10 and 19-23, drawn to a device; and
- Group II - Claims 14-18, 24 and 25, drawn to a method.

Applicants elect Group I, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Application No.: 10/588,605

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

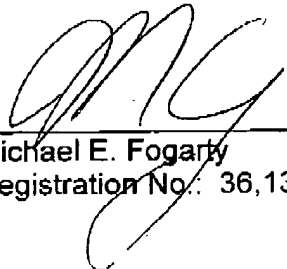
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 3/2/09

By:


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